

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1656 of 2017

ORDER :

Heard learned counsel for the petitioners, learned Public Prosecutor and perused the record.

2. This application is filed to quash the proceedings in C.C.No.332 of 2016 pending on the file of the Judicial First Class Magistrate, Ramachandrapuram, East Godavari District.

3. Learned counsel for the petitioners would submit that petitioner No.1 was working as Project Manager in Unilumen Company, now he is resigned from the said post. Petitioner No.1 is drawing a salary of Rs.50,000/-, to that effect a certificate is filed along with material papers. It is also contended that the *de facto* complainant, wife of petitioner No.1, filed a complaint under Section 200 Cr.P.C., the same was referred to the police. Thereafter, a charge sheet is filed against the petitioners herein. All allegations made in the complaint are false those are cooked up. There is no receipt of Rs.5,00,000/- as dowry. No dowry was settled at Rs.10,00,000/-. No harassment is made to pay any balance dowry amount. There is no justification for proceeding with the matter and ultimately prayed to dismiss the same.

4. Learned Public Prosecutor would submit that there are specific allegations of dowry demand, dowry harassment and assault by the petitioners herein. There are no circumstances to quash the proceedings.

5. The point for determination is:

Whether the request of the petitioners can be acceded to?

POINT:

6. As per the material placed on record, there are specific allegations of dowry demand, dowry harassment and assault against the petitioners/accused. Whether the prosecution case is cooked up and the petitioners are innocent persons. Whether the cognizance taken by the Judicial First Class Magistrate, Ramachandrapuram, against the petitioners for the offence under Sections 498-A and 420 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, are required to determine after due trial, then only the innocence or otherwise of the petitioners would be determined.

7. In view of the specific allegations constituting offences in the above sections of law, it is not just to quash the proceedings. Therefore, the application is devoid of merits.

8. Accordingly, the criminal petition is dismissed. It is needless to say there are certain procedures under the Cr.P.C. to seek dispense with the personal attendance of the petitioners. The petitioners are at liberty to invoke those provisions.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

27th October 2017.

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